

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

HELEN AND MARTIN YACK,

Plaintiff(s),

v.

WASHINGTON MUTUAL INC, et al.,

Defendant(s).

No. C 07-5858 PJH

**ORDER DISMISSING COMPLAINT**

The complaint was filed on November 19, 2007, and an order setting the initial case management conference and ADR deadlines was issued the same day, scheduling the conference for February 28, 2008. Neither pro se plaintiff appeared at the case management conference nor did either file a case management statement as ordered. No defendant appeared as no defendant had been served.

An order to show cause ("OSC") why the case should not be dismissed for failure to prosecute and for failure to serve was issued on February 29, 2008, scheduling a hearing on the OSC for April 3, 2008. Plaintiffs were informed in the OSC, that the deadline for service of the summons and complaint was March 19, 2008. Plaintiffs were additionally advised that if they failed to appear at the hearing on the OSC, their case would be dismissed. No one appeared for plaintiffs and no defendant appeared, as no defendant has yet been served.

On March 6, 2008, an amended complaint bearing the name of two lawyers was filed. Yet no substitution of counsel has been filed and no attorney has contacted the court

1 or attempted to meet the deadlines imposed by the court's orders.

2 Accordingly, the complaint is dismissed for failure to prosecute and for failure to  
3 serve any defendant.

4 **IT IS SO ORDERED.**

5 Dated: April 4, 2008



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PHYLLIS J. HAMILTON  
United States District Judge